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In re Application of
MONTAGUTELLI, Denis Claude Jean
Application No.: 10/030,150
PCT Application No.: PCT/FR00/01783
International Filing Date: 26 June 2000
Priority Date: 09 June 1999
Attorney Docket No.: 020093
For: DEVICE FOR UNLOCKING A
COMPARTMENT OF AN OPENING
MECHANISM

DECISION ON

PETITION

UNDER 37 CFR 1.137(b)

Applicant's "Petition to Revive Under 37 C.F.R. 1.137(b)," filed in the United States Patent and Trademark Office on 28 January 2002 is **GRANTED**.

BACKGROUND

On 26 June 2000, applicant filed international application number PCT/FR00/01783, which claimed a priority date of 09 June 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) by the International Bureau on 18 January 2001. On 02 February 2001, a demand for international preliminary examination, in which the United States was elected, was filed prior to the expiration of nineteen months from the priority date. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 10 December 2001 (09 December 2001 was a Sunday).

On 28 January 2002, applicant filed a transmittal letter for entry into the national stage in the United States, accompanied by, *inter alia*, a petition to revive and the basic national fee.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Applicant's statement that "the entire delay in filing from the deadline for entry into the U.S. national stage to the date of the present petition was unintentional," satisfies the requirements of 37 CFR 1.137(b)(3). Applicant has paid both the petition fee and the basic national fee. A terminal disclaimer is not required as application was filed on 26 June 2000. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.


CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing, including preparation of a Notification of Missing Requirements indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and an English translation of the international application are required.



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